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MEMO ENDORSED

April 30, 2020

VIA ECF


Honorable Edgardo Ramos
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Laquan Copes v. City of New York, et al.
17 Civ. 8413 (ER)

Your Honor:

The parties are directed to submit a new proposed case management plan by June 18, 2020.

The application is X granted
_____ denied


Edgardo Ramos, U.S.D.J.
Dated: April 30, 2020
New York, New York

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants City of New York, Gina Mestre, Timothy Burke, and Joel Ayala in the above referenced matter. The parties write jointly, in light of the ongoing local, State, and National public health emergency, to respectfully request a forty-five-day stay of all discovery and answer deadlines, through Thursday, June 11, 2020. However, during this stay period, the parties respectfully request that the plaintiff be permitted to continue to attempt service on the remaining five new defendants who have yet to be served. Finally, the parties respectfully request permission to provide a new proposed case management plan to the Court at a date designated by the Court after June 11, 2020.

By way of background, on February 28, 2020, the Court issued a Civil Case Discovery Plan and Scheduling Order (Docket No. 50). Thereafter, the plaintiff filed on consent his Second Amended Complaint (Docket No. 54) naming eleven additional municipal defendants. Presently, six of these additional defendants have been served.¹ Five of the eleven additional defendants have not yet been served.²

¹ These six new defendants are Manuel Estrada, Ryan Lawrence, Luilly Lopez, Brian Mahon, Jorge Monge, and Brian Vanduzer. See Docket No. 57. The four previously-served defendants—City of New York, Gina Mestre, Timothy Burke, and Joel Ayala—answered the Second Amended Complaint on March 12, 2020. See Docket No. 58.

² These five new defendants are Sean Kern, Anthony Terilli, Nivez Hernandez, Amadeo Oktrova, and Charles Cavallaro. Since the date of the incident, Anthony Terilli has left the

While it is the parties' sincere intent to strictly comply with Court Orders and deadlines, the coronavirus pandemic has caused a drastic change in circumstances. For example, on March 15, 2020, defense counsel was directed to work from home indefinitely. This has resulted in a number of scheduling difficulties and logistical issues that, at least for the immediate future, will significantly delay or impede defendants' ability to determine representation of newly added defendants and participate in discovery in this action. For example, defense counsel is extremely limited with respect to printing, mailing, or receiving documents. Furthermore, defense counsel is presently unable to notify members of service to appear in person for interviews with counsel or depositions. This has hampered the ability of the undersigned to timely confer with named officers to determine representation. Additionally, the undersigned's attempts to confer with at least two officers have been frustrated as the officers were out sick. Finally, no depositions—including plaintiff's deposition—have yet been scheduled and it is uncertain when such an in-person deposition could safely be arranged in accordance with prevailing public health directives.

The parties assure the Court that they remain committed to moving this case forward as expeditiously as possible, and are making best efforts to that end, but ask for some leniency in these trying circumstances. To facilitate a coordinated approach to these challenges, counsel conferred by email regarding this request and respectfully request a forty-five-day stay of all discovery and answer deadlines, through Thursday, June 11, 2020. However, during this stay period, the parties respectfully request that the plaintiff be permitted to continue to attempt service on the remaining five new defendants who have yet to be served. Finally, the parties respectfully request permission to provide a new proposed case management plan to the Court at a date designated by the Court after June 11, 2020.

The parties thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Nelson R. Leese

Nelson R. Leese

Senior Counsel

Special Federal Litigation Division

cc: By ECF
Vikrant Pawar, Esq.
Attorney for the Plaintiff

service of the New York City Police Department. Anthony Terilli has designated the NYPD Deputy Commissioner of Legal Matters as his agent for service. On April 23, the undersigned provided plaintiff's counsel with the proper information to mail a waiver of service form to Anthony Terilli care of the Deputy Commissioner at One Police Plaza.